

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 29 August 2019

CASE NO.: 2019-SOX-00028

In the Matter of:

ERIK LECKNER,
Complainant,

v.

**GENERAL DYNAMICS INFORMATION
TECHNOLOGY (F/K/A CSRA, LLC),**
Respondent,

and

APEX SYSTEMS, LLC,
Respondent.

ORDER CONTINUING HEARING

This matter is set for hearing in San Diego, California to begin on September 23, 2019. I conducted a telephonic status conference on August 28, 2019. All parties appeared through counsel of record. I issued various orders on the record at the conference. This present order is not intended to modify any order that I issued at the conference; rather, it is for the convenience of the parties.

Each of the two Respondents have separately moved for summary decision. Briefing is not yet complete. Because of my trial schedule, I doubt that, once the briefing is complete, I will have sufficient time prior to the hearing to consider the motions. If either or both of the motions for summary decision is meritorious (even in part), it would waste the parties' resources and the resources of this Office to conduct the hearing before deciding the motions. Accordingly and without objection,

The hearing set for September 23, 2019, is VACATED.

PLEASE TAKE NOTICE that the hearing will begin on December 9, 2019, at 9:00 a.m. in a courtroom to be announced in San Diego, California. The hearing will continue day-after-day until concluded, Saturdays, Sundays, and holidays excepted. Each party, through counsel, has agreed to these dates.

Although discovery has closed, the parties agreed that Respondents (or either of them) may take Complainant's deposition. No later than close of business on August 30, 2019, Complainant must provide counsel for each Respondent with dates that he is available to be deposed on or before September 13, 2019. The parties must in good faith attempt to agree to a date, time, and place for the deposition. Complainant must make himself available and testify at the agreed date, time, and place. Defense counsel indicated during the phone conference that they expect to take the deposition by telephone; no travel should be necessary. Other than this one deposition, by agreement of the parties, discovery remains closed.

In the initial Notice of Hearing and Pre-Trial Order, I notified the parties that I have resolved conflicts in the regulations about applicable rules of evidence at the hearing. I will follow the implementing regulation for the Sarbanes-Oxley Act, which provides that formal rules of evidence will not be followed. I explained this in more detail at the telephone conference on August 28, 2019. Any party objecting must file written objections within three days of the date this Order issues.

The parties are notified that this Office provides a free judicial mediation service. *See* 29 C.F.R. § 18.13. Typically, a judge of this Office will meet and spend a day with the parties and counsel in an effort to resolve the day voluntarily. The mediation service is only available on the joint request of all parties. Lead trial counsel and all parties must attend the mediation in person with full authority to settle. If the parties would like a judicial mediation, they should send a joint request to District Chief ALJ Richard M. Clark at the address on the letterhead above. He will appoint the mediation judge, who will arrange a mutually agreeable date and location for the mediation.

This Order will be served on counsel for Complainant and for each Respondent by email or facsimile (plus U.S. mail). All other service is by U.S. mail.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge